

EDENS et al
Appl. No. 10/517,220
Atty. Ref.: 4662-356
Amendment After Final Rejection
April 28, 2010

REMARKS

Reconsideration is requested.

Claim 17 and 25 have been revised, without prejudice, to define the prolyl-specific endoprotease as comprising an amino acid sequence which has at least 95% sequence identity with the amino acid sequence of SEQ ID NO:5, as is described, for example, at page 12, lines 30-32 and 35-36. Further support for the claim revisions may also be found, for example, at page 3, lines 10-11 of the specification. No new matter has been added.

Claims 17-47 are pending. Claims 23, 24, 27, 29-33, 38, 41, 44 and 47 have been withdrawn from consideration. Claim 35 has been canceled above, without prejudice. Claims 17-34 and 36-47 will be pending upon entry of the present Amendment.

The Section 102 rejection of claims 17-19, 25, 26, 28, 34-37, 39, 40, 42, 43, 45 and 46 over Nagodawithana & Reed (eds., *Enzymes in Food Processing*, 3rd Ed., Academic Press, Chapter 16, pp. 448-449, 1993) is obviated by the above amendments. The cited art fails to teach or suggest a prolyl-specific endoprotease of the claims. Entry of the present Amendment will obviate this rejection and, at least, reduce this issue for appeal. Entry of the present Amendment and withdrawal of the rejection are requested.

The Section 102 rejection of claims 17, 19, 25, 28, 34, 39, 42 and 45 over Shetty et al. (US 4,532,213) is obviated by the above amendments. The cited art fails to teach or suggest a prolyl-specific endoprotease of the claims. Entry of the present

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Amendment will obviate this rejection and, at least, reduce this issue for appeal. The applicants further note that even if the acid fungal protease in Shetty is considered as the prolyl-specific endoprotease of the claims (which it is not), then in Shetty there is no additional auxiliay proteolytic enzyme as required by the claims. The auxiliary enzyme in Shetty is presumably a glucoamylase which is not a protease or proteolytic enzyme as required by the claims. Furthermore, the only reference in Shetty concerning the reduction of haze in beer can be found in column 1 , first paragraph where it is stated that the protease (in single form) may be used in the prevention of chill haze in beer, which would not have been sufficient for one of ordinary skill to have made the claimed invention. The cited patent fails to teach or suggest the claimed invention. Entry of the present Amendment and withdrawal of the rejection are requested.

The Section 102 rejection (under Section 102(a) and Section 102(e)) of claims 17-20, 25, 26, 28, 34-37, 39, 40, 42, 43, 45 and 46 over Edens et al. (US 2004/0241791) is traversed. Reconsideration and withdrawal of the rejection(s) are requested in view of the above and the following distinguishing comments.

Initially, the applicants submit that the cited Edens publication is not citable under Section 102(a) as the document was published December 2, 2004 and the present application was at least filed in the U.S. as PCT/NL03/00352 on May 13, 2003. Moreover, the present application claims benefit of a priority application filed June 7, 2002 whereas the cited document published as WO2002045523 on June 13, 2002, according to the WIPO on-line data base (<http://www.wipo.int>).

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A method of making a hydrolysate of the cited art is not believed to anticipate the method of the above claims.

Entry of the present Amendment and withdrawal of the rejection are requested.

The Section 103 rejection of claims 21 and 22 over Nagodawithana & Reed (eds., *Enzymes in Food Processing*, 3rd Ed., Academic Press, Chapter 16, pp. 448-449, 1993) and Edens et al. (US 6,372,282) is obviated by the above amendments. The cited art fails to teach or suggest a prolyl-specific endoprotease of the claims. Entry of the present Amendment will obviate this rejection and, at least, reduce this issue for appeal. Entry of the present Amendment and withdrawal of the rejection are requested.

The Examiner is requested to hold in abeyance the provisional obviousness-type double patenting rejection of claims 17, 18, 25, 26, 28, 34-37, 39, 40, 42, 43, 45 and 46 over claims 1-16, 31, 43 and 45-61 of copending application no. 10/450,022, until such time as allowable subject matter is indicated, at which time the applicants will consider further action.

The Examiner is requested to hold in abeyance the provisional obviousness-type double patenting rejection of claims 17-20, 25, 26, 28, 34-37, 39, 40, 42, 43, 45 and 46 over claims 14-17 of copending application no. 10/433,747, until such time as allowable subject matter is indicated, at which time the applicants will consider further action. The Examiner is requested to appreciate that copending application no. 10/433,747 has issued as U.S. Patent No. 7,608,697.

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The claims are submitted to be in condition for allowance and a Notice to that effect is requested. The Examiner is requested to contact the undersigned, preferably by telephone, in the event anything further is required.

Respectfully submitted,

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